

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

Allstates Refractory Contractors, LLC

Plaintiff(s)

v.

Martin J. Walsh, in his official capacity; United States
Department of Labor; James Frederick, in his official
capacity; Occupational Safety and Health
Administration

Defendant(s)

Civil Action No. 3:21-cv-01864

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* James Frederick
U.S. Department of Labor
Occupational Safety & Health Administration
200 Constitution Ave. NW
Washington, DC 20210

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brett A. Shumate
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



Date: 10/1/2021

SANDY OPACICH, CLERK OF COURT

s/Jessica Hancock

Signature of Clerk or Deputy Clerk

Civil Action No. 3:21-cv-01864

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other *(specify)*: Per Fed. R. Civ. P. 4(i)(1)(A) and (i)(1)(B), I sent a copy of this summons and the complaint via
 certified mail to the U.S. Attorney for the Northern District of Ohio and via certified mail to the Attorney
 General of the United States. Pursuant to Fed. R. Civ. P. 4(i)(2), I also sent a copy of this summons
 and the complaint via certified mail to Defendant James Frederick.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Allstates Refractory Contractors, LLC

Plaintiff

Case No.: 3:21-cv-01864-JZ

vs.

Martin J. Walsh, et al.

Defendant(s)

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I, Mark A. Russell, Jr., a Private Process Server, being duly sworn, depose and say, I have been duly authorized to make service of the documents listed herein in the above entitled case, I am over the age of eighteen years and am not a party to or otherwise interested in this matter.

DOCUMENT(S): Summons In A Civil Action and Complaint for Declaration and Injunctive Relief

SERVE TO: James Frederick, in his official capacity as Acting Assistant Secretary of Labor for Occupational Safety and Health

SERVICE ADDRESS: 200 Constitution Avenue, NW, Washington, DC 20210

METHOD OF SERVICE: Per COVID-19 service of process protocol, service was completed by mailing a copy of the documents listed herein to James Frederick, in his official capacity as Acting Assistant Secretary of Labor for Occupational Safety and Health at 200 Constitution Avenue, NW, Washington, DC 20210 on 10/04/2021 via United States Postal Service, Certified Mail, Return Receipt Requested. Article Number: 7020 1290 0000 9482 1971. Service was signed for on 10/12/2021, return receipt attached.

I declare under penalty of perjury that this information is true.

10/19/2021
Executed On



Mark A. Russell, Jr.
Mark A. Russell, Jr.
Client Ref Number: 626165-000001
Job #: 1594493

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Frederick, Occupational Health &
Safety Administration, US Department
of Labor, 200 Constitution Avenue, NW
Washington, DC 20210



9590 9402 6227 0265 7491 14

2. Article Number (Transfer from service label)

7020 1290 0000 9482 1971

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent☐ Addressee

B. Received by (Printed Name)

Christie Garner

C. Date of Delivery

10/12/21

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Registered Mail☐ Registered Mail Restricted Delivery☐ Signature Confirmation☐ Signature Confirmation Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



FAQs >

Track Another Package +

Tracking Number: 70201290000094821971

Remove X

Your item was delivered to an individual at the address at 6:53 am on October 12, 2021 in WASHINGTON, DC 20210.

Feedback

 **Delivered, Left with Individual**

October 12, 2021 at 6:53 am
WASHINGTON, DC 20210

Get Updates v

Text & Email Updates	v
Tracking History	^

October 12, 2021, 6:53 am
Delivered, Left with Individual

WASHINGTON, DC 20210

Your item was delivered to an individual at the address at 6:53 am on October 12, 2021 in WASHINGTON, DC 20210.

October 9, 2021, 10:49 am

Available for Pickup

WASHINGTON, DC 20210

October 9, 2021, 10:49 am

Available for Pickup

WASHINGTON, DC 20427

October 9, 2021, 9:21 am

Arrived at Post Office

WASHINGTON, DC 20018

October 8, 2021

In Transit to Next Facility

October 6, 2021, 8:11 am

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

Feedback

Product Information



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Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback